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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,461	02/28/2002	Ki Cheong Yeung	016660-116	4990

7590 02/19/2003

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[REDACTED] EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 02/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/084,461	YEUNG, KI CHEONG
	Examiner Kenneth B Rinehart	Art Unit 3749

-- The MAILING DATE of this communication app ars on the cover sh et with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 June 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hair dryer must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 10 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 10 and 22 refer to said substrate which is not further limiting.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 9-11, 13-16, 18, 19, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Curtin. Curtin shows a body (1, fig. 4) defining a passageway with at least first and second openings (2, opening on end 4, fig. 4), a connector for connecting said accessory

to said hair dryer (6, fig. 4) and at least one retainer adapted to retain a substrate in said passageway (3; 20, fig. 4), each of said first and second openings is at a respective longitudinal end of said body (fig. 4), said connector is arranged at or adjacent to said first opening of said body (fig. 4), said body is connectable to a front end of said hair dryer (100, fig. 4), said body is adapted to be removably connectable to said hair dryer by clipping, snapping or screw fitting (fig. 2, fig. 3, fig. 4), said substrate is adapted to receive a scented medium (col. 7, line 6-10), said substrate (20, fig. 4), said scented medium is evaporable at an elevated temperature (col. 3, line 52, fig. 4), a hair dryer comprising an accessory as claimed in Claim 1 (fig. 4), said body of said accessory is removably connectable to said hair dryer clipping, snapping or screwfitting (fig. 2, fig. 3, fig. 4), said scented medium is evaporable when air heated by heating means of said hair dryer passes through said passageway (col. 3, line 52, fig. 4)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 7, 8, 12, 17, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtin. Curtin discloses a body (1, fig. 4) defining a passageway with at least first and second openings (2, opening on end 4, fig. 4), a connector for connecting said accessory to said hair dryer (6, fig. 4) and at least one retainer adapted to retain a substrate in said passageway (3, 20, fig. 4), said substrate is adapted to receive a scented medium (col. 7, line 6-10). Curtin discloses applicant's invention substantially as claimed with the exception of said retainer is arranged at or

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adjacent to said first opening of said body, said substrate is made of a material selected from a group including ceramics and sponge, said substrate is adapted to withstand a temperatures of at least 45 degrees C, said retainer is arranged at or adjacent to said second opening in said body, said scented medium is an aromatic oil. It would have been an obvious matter of design choice to modify Curtin to provide said substrate is made of a material selected from a group including ceramics and sponge, since applicant has not disclosed that the material of the substrate solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the material of Curtin will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Curtin to provide said substrate is adapted to withstand a temperatures of at least 45 degrees C, since applicant has not disclosed that the ability of the substrate to withstand a temperature solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the substrate of Curtin will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to modify Curtin to provide said retainer is arranged at or adjacent to said first opening of said body, since applicant has not disclosed that the location of the retainer solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the location of the retainer of Curtin will perform the invention as claimed by the applicant. It would have been an obvious matter of design choice to

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modify Curtin to provide said scented medium is an aromatic oil, since applicant has not disclosed that the type of fragrance solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the fragrance of Curtin will perform the invention as claimed by the applicant.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of art with respect to air attachments to hair driers in general: West (5572800), Juzefczyk (4597191), Moon et al (5761824).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-308-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

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KBR  
February 11, 2003

  
Kenneth Rinehart

Patent Examiner

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